

Art Unit: 3749

**Regarding Prior Art**

Examiner argues that when Applicant insists that the Arenson method, even when viewed in conjunction with the Velke Patent, does not CLAIM an Invention as recited in Applicant's Claims, is an inappropriate reference, and that Arenson not claiming the same Invention as Applicant is in fact irrelevant when using it as an objection.

The Examiner goes further in stating that, in accordance with the statutory language for 35 USC 102 and 103, which requires any reference to the Patent as a whole and not merely what is claimed.

In fact, Examiner is thereby contradicting his own argument. Because, if the Invention, in this case the Arenson Invention, is not described in the title of the Patent, which reads:

**METHOD OF CONTINUOUSLY VAPORIZING AND  
SUPERHEATING LIQUIFIED CRYOGENIC FLUID**

and the Abstract, which is to describe the essence of the Invention, which in this case reads:

**ABSTRACT**

The present invention relates to a method to continuously vaporizing and superheating liquified cryogenic fluid for an ultimate use. A stream of liquified cryogenic fluid is passed in heat exchange relationship with a stream of ambient water so that the cryogenic fluid is heated and vaporized. The vaporized cryogenic fluid stream is divided into first and second portions and the first portion is passed in heat exchange relationship with the input combustion air to a gas turbine engine so that the air is cooled and the power output of the turbine is increased. The second portion is passed in heat exchange relationship with the exhaust gases generated by the gas turbine engine so that the second portion is superheated to a predetermined temperature level, and the first and second portions of the vaporized cryogenic fluid stream are then combined so that a stream of vaporized cryogenic fluid superheated to a desired temperature level is

Art Unit: 3749

produced. The power output of the gas turbine is advantageously used for providing power for pumping the stream of liquified cryogenic fluid and ambient water.

It is obvious that the function of the Invention as described in the TITLE, as described in the ABSTRACT, and as described in the CLAIMS of the Patent, discloses exactly the following:

A METHOD OF CONTINUOUSLY VAPORIZING AND  
SUPERHEATING A LIQUIFIED CRYOGENIC FLUID

and as such does not in any way claim, describe in the disclosure, anticipate or even hint the Invention disclosed in Applicant's application. In fact, using the Arenson Invention as an objection, it can be compared to using a method which would operate using the same components as Arenson, specifically heating means and mechanical pumping means for a liquid, but instead of converting a cryogenic fluid into a vaporous fluid would convert a red paint into a green paint, which would be just as far fetched when citing it as a reference. There is absolutely NO comparison to be made between the Invention disclosed by Applicant and Arenson's.

In each of such cases, the gas turbine engine is used for the cryogenic fluid to vapor conversion in the one, and the red paint to green paint conversion in the other, heating and pumping the the fluids for the conversion process, which is really the Invention disclosed and described in the Arenson Patent.

When the Examiner states that "what appears in the Patent AS A WHOLE" must be considered, it is incomprehensible for the Examiner to continue to cite Arenson under such obviously contradictory conditions.

The Examiner also states that a Double Patenting Rejection is still appropriate in accordance with 35 USC 101. Applicant is of course of the opinion to have successfully argued against such citation earlier in this response. Applicant however may include pertinent third

Art Unit: 3749

party documentatin under suitable Declaration or Affidavit in accordance with 37 CFR 1.132, as the Examiner has suggested.

Applicant would like Examiner to understand that Applicant will work with the Examiner on all necessary levels to arrive at a form for the application to be acceptable to the Examiner, so that the application may be moved to allowance as quickly as possible.

Applicant further attaches documentation by ETV Environmental Technology Verification Canada, and CGRI Canadian Gas Research Institute, under a suitable Declaration in accordance with 37 CFR 1.132. Such documents verify that the Invention disclosed in the present Application is contrary to any expectation by anyone known in the art, even someone well versed in the art, and that the information confirmed in such documents may travers any of the objections posed by the Examiner.

Applicant therefore respectfully requests the Examiner to move this Application to allowance. Should any minor adjustments or amendments be required, Applicant will, under Examiner's guidance, provide any such reasonably required adjustment forthwith.

Signed this November 22, 2005,

A handwritten signature in black ink, appearing to read 'W. Velke', with a stylized, cursive script.

William H. Velke

Applicant

Attachment: Amended Claims  
ETV Confidential Report  
CGRI Confidential Report